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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/064,011 | 06/04/2002 | Timothy G. Deboer | CA920010048US1 | 7212 |
| 68168 7590 01/11/2008 MICHAEL BUCHENHORNER, P.A. 8540 SW 83 STREET SUITE 100 MIAMI, FL 33143 | | | EXAMINER KHATRI, ANIL | |
| | | | ART UNIT 2191 | PAPER NUMBER |
| | | | NOTIFICATION DATE 01/11/2008 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/064,011

Applicant(s)

DEBOER ET AL.

Examiner

Anil Khatri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/22/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Response to Amendment

1. This action is in response to the request for reconsideration filed on 10/22/2007.
2. As per applicant's request claims 1, 8, 15, 16 and 20 have been amended.
3. As per applicant's request claims 9-14 have been canceled.
4. As per applicant request claims 1-8 and 15-25 has been considered but they are not persuasive.
5. Claims 1-8 and 15-25 are rejected under 35 U.S.C. 102(e) as being anticipated by *Arnaiz et al* USPN 7,080,371.

In remarks applicant argues,

- I. Package comprising server configuration data comprising data to configure each of servers for running application.
- II. Associating a server configuration with an application.

In response to applicant's arguments,

- I. It was noted that cited reference fairly suggest package comprising server configuration data comprising data to configure each of servers for running application (column 22, lines 31-, server computer and at least one client computer that periodically docks with the server computer, the server computer including a database management system and a database, the database being partially replicated from the server computer to the client computer during docking, the client-server system being configured to perform a method to apply upgrades from

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the server computer to software components resident on the client computer, the method comprising: defining contents of version upgrade kits that each include files and actions and an indication of an upgrade wizard to upgrade one or more software components from one version to another version, the software components to be upgraded by at least some of the upgrade kits including database schema for the partially replicated database on the client computer; writing the contents of the version upgrade kits to a database as a table of contents, the table of contents showing the contents of each upgrade kit and software components required by an upgrade using an upgrade kit; determining one or more software components for a currently running database management software program on the client computer that are not up-to-date, the database management software program interacting with the partially replicated database on the client computer, those one or more software components including at least one of the database schema for the partially replicated database on the client computer; retrieving identifications from the table of contents of one or more version upgrade kits to download from the server computer to the client computer to effect upgrades of the determined software components from installed versions to required versions, the identified upgrade kits including one or more of the at least some upgrade kits that upgrade the database schema for the partially replicated database on the client computer; building copies of the identified upgrade kits and of additional upgrade kits based on the table of contents, the additional upgrade kits for performing upgrades of software components on the client computer that are not needed for the database management software program; during docking of the client computer with the server computer, downloading copies of the built upgrade kits from the server computer to the client computer, each of the built upgrade kits being self-contained; invoking the upgrade wizard to perform

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upgrades on the client computer of at least the determined software components based on the downloaded upgrade kits, the upgrading of each software component including identifying a state of the upgrade for that component and performing at least some of the actions of the one or more upgrade kits for that software component based on the identified state, the upgrade wizard keeping track of the upgrade's progress and, if an error is detected during the upgrade, automatically rolling back the changes and restoring the client computer to a pre-upgrade state; after performing the software component upgrades, restarting the database management software program; and subsequent to the docking of the client computer with the server computer, determining that the client computer needs one or more of the software component upgrades corresponding to the additional upgrade kits and performing those one or more upgrades based on the previously downloaded additional upgrade kits). Therefore, examiner interprets that server configuration data has been used for each application is running.

II. It was also noted that cited reference fairly teaches associating a server configuration with an application (column 2, lines 3-8, to provide support for all types of installations and terminals in an enterprise. That is, the sol, are provider or the upgrader, e.g., the database administrators must be able to upgrade all types of the installations in an enterprise, including connected clients, remote clients, regional servers and application servers). Therefore, examiner interprets that a server has been associated with the application.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ANIL KHATRI
PRIMARY EXAMINER